



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,019	09/24/2003	Hikari Kawata	121027-198	4531
35684	7590	02/28/2006		
BUTZEL LONG 350 SOUTH MAIN STREET SUITE 300 ANN ARBOR, MI 48104			EXAMINER EVANS, CHIVONNE LAURIE	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,019

Applicant(s)

KAWATA ET AL.

Examiner

Chivonne L. Evans

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Wanberg (3369545). Wanberg teaches a disposable article with a front region, rear region intermediate region shown in Figure 5, with an absorbent batch 3, a fluid pervious topsheet 2, a liquid impervious backsheet 4 (Column 3:9-15), whereas the absorbent batch is disposed there between. Wanberg teaches an integral non-sealable pouch formed with the liquid impervious backsheet. (Figure 2 and Column 3:57-63). With regard to claim 2, Wanberg teaches a pocket that will overlies the whole backsheet, meaning it will be disposed at least over the intermediate region. (Column 3:69-73)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3761

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanberg (3369545) in view of Hansen (4808175). Wanberg discloses the invention substantially as claimed except for a pouch with an opening located in the front waist region and elastically stretchable members in the front, rear, and intermediate regions. . Hansen teaches a disposable article (Figure 1 and Column 2, lines 15-25), with a pouch **14**, attached to the moisture proof-backing panel **11** that extends over the front, intermediate and rear sections of the diaper, with an opening in the front region. Elastic members taught by Hansen are illustrated in Figure 1 as well, along the longitudinal side edges of the diaper. Therefore it would have been obvious to one of ordinary skill in the art to modify Wanberg's pouch with an opening in the front region to provide facilitate the access of the pouch when being worn by the user, and elastic members to provide an article will stretch in the direction of movement of the user therefore providing a more comfortable and leak free fit.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Wanberg as applied to claim 1 above, in view of Lanmon et al (Des. 343,233). Wanberg discloses the invention substantially as claim except for a colored pocket or cover

Art Unit: 3761

having an indicator. With "colored" being defined as giving a distinctive character or quality to, and an indicator being defined as a signal for attracting attention; Lanmon discloses a diaper with a distinguished coloring on the outer cover with a pocket without said coloring. The pocket has containment indicators such as "Wipe and Powder Puff" located thereon. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wanberg's pocket and backsheet with a design or colored feature and an indicator on the pocket as taught by Lanmon, to distinguish the backsheet from the pocket, as well as, provide indication of the contents of the pouch.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 and 11-12 have been considered but are moot in view of the new ground(s) of rejection.

a. Applicant argues that the Pocket taught by Hansen is sealable, therefore it does not apply to the amended claims which contain non-sealable pockets.

-Examiner addressed arguments in 102(b) rejection, whereas Wanberg teaches non-sealable pouch.

b. Also, the applicant argues that the pocket would have to be sealed to be labeled in order to include labeling specified by Lanmon, however the labeling of an article is arbitrary and powder puffs and wipes may have a covering over them therefore, the pocket being closed would not be a necessity.

Conclusion

Art Unit: 3761

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chivonne L. Evans whose telephone number is 571-272-8686. The examiner can normally be reached on between 6:30-3:30, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chivonne L Evans
Examiner
Art Unit 3761

ce

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

